

FY 2020 State OSHA Annual Report (SOAR)

**STATE OF VERMONT
STATE OSHA ANNUAL REPORT
(SOAR)**

October 1, 2019 through September 30, 2020



Prepared By:

**State of Vermont
Department of Labor
Division of Workers' Compensation and Safety
VOSHA**

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Executive Summary

The Vermont Occupational Safety and Health Administration (VOSHA) submits this State OSHA Annual Report (SOAR) to the Federal Occupational Safety and Health Administration (OSHA) for evaluation of the Vermont State Plan. The SOAR covers the time period of October 1, 2019 through September 30, 2020. VOSHA and Project WorkSAFE, the state's OSHA consultation program, are administered by the Vermont Department of Labor, Division of Worker's Compensation and Safety.

In FY 2020 a global pandemic known as COVID-19 significantly affected VOSHA as well as all facets of American life. While, for the most part, VOSHA did not have budgetary issues in FY 2020, we did experience an unprecedented interruption in our usual pattern of operations. On March 13, 2020, Governor Philip Scott declared a state of emergency and VOSHA was informed that it would be "activated" at the Vermont State Emergency Operations Center (SEOC). VOSHA has since dedicated a full-time compliance safety and health officer (CSHO) to this duty station. At first, VOSHA's commitment to the SEOC was seven days a week, but by spring, we transitioned to staffing the SEOC on an "on-call" basis.

In the third quarter of FY 2020, VOSHA, received additional funding from OSHA through a final base award increase. VOSHA intended to use this funding to hire a compliance assistance specialist (CAS) but has not yet done so because the state went into a hiring freeze do to the current pandemic. In another staffing development, a health CSHO resigned in FY 2020; VOSHA is currently engaged in efforts to fill this position.

By the end of FY 2020, VOSHA had seven field staff on board. At full staffing, VOSHA has eight CSHOs, but in August 2020, one of the health CSHOs resigned. In addition, the VOSHA Program Manager continued to perform compliance assistance duties and has done so since the time he was promoted from the CAS position to the manager's position, which was about eight years ago. One of the compliance safety and health officers (CSHO) handles a number of compliance assistance duties and helps with the Green Mountain Voluntary Protection Program (GMVPP). The unusual nature of VOSHA's operations under the pandemic resulted in a surge in compliance assistance activities. These activities have been fulfilled by a number of staff, both as safety officer in the SEOC as well as duty officer on a daily basis. As VOSHA moves forward, we plan to fill the full-time CAS position that we committed to in the FY 2020 budget adjustment.

The COVID-19 pandemic all but shut down training opportunities for VOSHA. However, VOSHA provided a 40-hour Hazardous Waste Materials Operations (HAZMAT) course for all safety and health staff. VOSHA's performance during the COVID-19 pandemic changed considerably in both quantity and function. In the very beginning of the outbreak, many "non-essential" businesses were closed in the interest of keeping the virus from spreading. As mentioned above, when the governor's declaration of a state of emergency required the opening of the SEOC, VOSHA was one of the agencies that was compelled to dedicate a full-time position to that unit. This removed the position from compliance duties, but was also beneficial as VOSHA was able to provide advice and guidance to other agencies engaged in the SEOC. In addition, the call volume from employees and employers for advice or complaints increased substantially.

To say that there was much confusion over the pandemic in the working world would be an understatement. Because of the increase in the number of pandemic-related phone inquiries that VOSHA received, the program technician could not keep up, so VOSHA instituted the duty officer position whereby the CSHO on duty fielded calls from concerned constituents and routed them to the appropriate responder. This practice as well as VOSHA's commitment to the SEOC continues.

Later in the spring, as some businesses contemplated re-opening, the governor requested that VOSHA develop a PowerPoint training on returning safely to work during the pandemic. This presentation contained information from several sources including the Center for Disease Control (CDC), OSHA, The Vermont Department of Health (VDH) and the Vermont Agency of Commerce and Community Development (ACCD). The training was accessible via the VOSHA website and was translated into nine different languages. The governor mandated that all “non-essential” employees who were returning to work take and complete this training (or an equivalent) prior to reporting to work. Employers were required to document that their employees successfully completed this training. This training is accessible through the VOSHA website at <https://labor.vermont.gov/vosha>.

As shown in the following tables, VOSHA did not come close to meeting some of its annual performance plan goals in FY 2020 due to the disruption caused by the pandemic. The following table shows VOSHA’s staffing pattern at the end of FY 2020. It should also be noted that the table below does not reflect that the VOSHA Program Manager continued to carry out CAS duties in FY 2020.

- The following is VOSHA’s staffing as of September 30, 2020:
 - Director of Workers Compensation and Safety: 1
 - VOSHA Program Manager: 1
 - VOSHA Compliance Supervisor: 1
 - VOSHA Program Technician II: 1
 - VOSHA Safety Compliance Officers: 4
 - VOSHA Health Compliance Officers: 2 (one position is currently under recruitment)
 - VOSHA Health/Safety Compliance Officer: 1
 - VOSHA 11(c) Whistleblower Investigator: 1
 - Total; 11 *NOTE: The Director of Workers Compensation and Safety is not a dedicated VOSHA full-time equivalent (FTE)

Although the 21(d) consultation and 23(g) enforcement programs do not share personnel and maintain separate officers in different locations, the two programs share common goals to ensure workplace safety and health in the State of Vermont. Therefore, the VOSHA and Project WorkSAFE managers continue to work closely together to develop strategies for achieving these goals.

Although the pandemic halted formal training conducted by OSHA Training Institute (OTI), VOSHA staff participated in a number of OTI online training opportunities. VOSHA considers training to be a foundation of professionalism and remains committed to training opportunities once they become available. Below is a list of the training that VOSHA staff completed in FY 2020.

Senior Safety Compliance Officer

40 Hour Hazmat Training 09-10-2020

Protecting the Safety and Health of coworkers, COVID

Senior Safety Compliance Officer

40 Hour Hazmat Training 09-10-2020

Protecting the Safety and Health of coworkers, COVID

Senior Safety Compliance Officer

40 Hour Hazmat Training 09-10-2020

Protecting the Safety and Health of coworkers, COVID

Senior Safety Compliance Officer

*Protecting the Safety and Health of coworkers, COVID
Hazmat Technician refresher 05-2020*

Senior Industrial Hygiene Compliance Officer

*40 Hour Hazmat Training 09-10-2020
Protecting the Safety and Health of coworkers, COVID
OSHA-ASSP Silica Compliance Directive and Emphasis (Webinar)*

Senior Safety and Industrial Hygiene Compliance Officer

*40 Hour Hazmat Training 09-10-2020
Protecting the Safety and Health of coworkers, COVID*

Whistleblower Investigator

*1420 Whistleblower Investigations Fundamentals Course at OTI in Chicago, IL.
VOSHA Online Training In Methods of Protection from COVID-19 Virus in the Workplace
TR_WB Compliant Intake Screening Best Practices
CSHO Safety Inspections During the Pandemic #0161 via CourseMill*

Compliance Supervisor:

*40 Hour Hazmat Training 09-10-2020
Protecting the Safety and Health of coworkers, COVID*

Compliance Assistance Activities

In early FY 2020, VOSHA participated in a joint emergency response drill known as CAT4 (short for “storm, category 4 magnitude”). This exercise enabled VOSHA to continue to test and modify its responsibilities in an actual statewide emergency. A significant development in which VOSHA was included was the creation and trial of the “Multi Agency Resource Center” (MARC). This initiative, which was headed by the Vermont Agency of Human Services, consisted of a physical location, staffed with various agencies and non-profit organizations. The “staffing up” of a MARC is intended to be as close to an actual event as possible and will be used by citizens affected by a catastrophic event to get to and receive critical services.

Through the CAT4 emergency drill and pandemic-related outreach, VOSHA has provided information and guidance to thousands of workers in Vermont. The VOSHA manager has also participated in many virtual discussions, trainings and virtual town halls with stakeholder groups and provided the latest COVID-19 information and guidance to thousands of employers and employees. In addition to the above discussed CAT4 statewide emergency drill, and pandemic-related outreach, VOSHA remained committed to three key state agency committees in which it serves as a representative of the Vermont Department of Labor.

- 1) State Emergency Response Committee (SERC): This is a statewide committee that meets bi-monthly at the State Emergency Operations Center (SEOC) in Waterbury, Vermont. In addition to VOSHA, this bi-monthly meeting includes the Vermont Department of Public Safety and Homeland Security, Agency of Natural Resources, Vermont Department of Agriculture and Health and various local emergency planning commissions (LEPCs) from around the state. This meeting is usually attended by the VOSHA Manager
- 2) State Elevator Board: This committee consists of the Vermont Department of Public Safety, Fire Prevention Division, various elevator inspection and regulatory entities as well as VOSHA. These monthly meetings are usually attended by the VOSHA Compliance Supervisor

- 3) Vermont Fire Service Training Counsel: This committee, which meets quarterly, focuses on fire service training for volunteers as well as professional fire fighters. The meetings usually include the Director of Fire Service Training, The Vermont Agency of Natural Resources, and representatives of local volunteer and professional fire services.

Participation in the above committees is important as it fulfills VOSHA’s role in statewide safety and health as compelled by the state legislature.

In FY 2020, VOSHA had two Alliances (see below). In FY 2020, the Alliance with the Vermont Safety and health counsel; however, we are still abiding by it and are working to get it renewed.

- Vermont Safety and Health Council
- Vermont Rural Water Association

The GMVPP is the only formal partnership program that VOSHA recognizes. Because of the COVID-19 pandemic, all formal activities within the GMVPP were suspended (including job site visits), with the exception of annual evaluations, which VOSHA received. VOSHA will notify the GMVPP sites that on-site evaluations will resume once it is safe for them to be conducted.

Status of GMVPP Sites in FY 2020				
GMVPP Company	Status	Last Approval Date	New Renewal Date	Original Approval Date
1	STAR	4-27-2017	10-31-2022	10-22-2007
2	STAR	4-18-2017	10-10-2022	8-22-2007
3	STAR	1-22-2015	1-22-2020	5-16-2007
4	STAR	4-30-2018	4-30-2023	7-14-2008
5	STAR	5-3-2017	5-3-2022	12-27-2013
6	STAR	12-14-2017	9-11-2020	9-11-2017
7	STAR	10-8-2018	10-8-2021	10-8-2018

One Alliance lapsed in FY 2020. However, VOSHA has reached an agreement with the organization/company to re-sign the Alliance in 2021 for another five years.

Status of Alliances in FY 2020		
Company/Organization	Status	Date Signed
1	Active	12-18-2018
2	Lapsed but expect to re-sign	6-9-2015

In FY 2020, the pandemic affected the ways in which VOSHA conducted outreach. For example, VOSHA established a daily “call officer” to field calls from concerned employees and employers and provide advice and guidance on the latest COVID-19 information. The number of phone calls varied widely, with an estimate of 40 to 50 calls per day in the beginning of the pandemic to approximately 10 to 20 calls per day in the summer months. VOSHA also began using online platforms to conduct virtual town hall meetings and outreaches on topics related to safety, health and COVID-19 workplace safety. VOSHA estimates that it conducted 3,200 outreaches and affected more than 35,000 employers, employees and other stakeholders through duty officer calls, online training, and staffing the SEOC.

VOSHA conducted 72 outreaches on more traditional safety and health topics and methods. Some of these outreaches were conducted before the onset of the pandemic, and some were scheduled throughout the pandemic. The VOSHA Manager carried out 60 outreaches, the Compliance Supervisor

conducted two outreaches and a CSHO conducted nine outreaches. At the start of FY 2020, many of the outreaches were of the on-site variety, but they quickly turned to virtual as the COVID-19 epidemic took hold. In this model, VOSHA estimates that a total of 1,869 employees/employers were affected. In total, OSHA conducted 3,272 outreaches affecting 36,869 employees, employers and other partners and stakeholders in FY 2020.

VOSHA continues to use Project WorkSAFE's administrative assistant to disseminate information to stakeholders, organize training and outreach materials, and organize information on the VOSHA website. VOSHA accounts for this staff member's time as a .1 full-time equivalent (FTE).

New Equipment

In FY 2020 VOSHA continued to invest in technology, PPE and upgrading industrial hygiene sampling equipment. VOSHA purchased computers, fall arrest systems and powered air purifying respirators. In addition, health sampling equipment, most notably noise dosimetry equipment, was upgraded.

Rulemaking

In FY 2020, VOSHA initiated rulemaking for two rules. However, because of the pandemic, legislative rulemaking committee meetings were suspended for several months. As a result, one of the rules (29 CFR 1904.41 Electronic Submission of Injury and Illness Records to OSHA) temporarily stalled. VOSHA expects to complete action on that rule in early 2021. VOSHA plans to complete adoption of the following three rules in FY 2021.

- 1. Revising the Beryllium Standard for General Industry, Construction and Shipyard Employment**
- 2. Cranes and Derricks In Construction: Railroad Roadway Work**
- 3. Standards Improvement Project – Phase IV (SIP-IV):** The deadline for completing adoption of this rule was November 14, 2019. For VOSHA, adopting rules of this nature has typically been labor-intensive and time-consuming due to the numerous changes that need to be made to various standards. Over the past year, VOSHA has worked on streamlining its rulemaking procedures to make them less cumbersome. Now that these new procedures have been approved by the Vermont Secretary of State, VOSHA anticipates completing adoption of SIP –IV in early 2021.

Staffing

VOSHA is currently actively recruiting for the vacant health CSHO position. VOSHA will continue recruitment efforts until the position is filled.

Inspections

The COVID-19 Pandemic and resulting change of activities drastically changed the outcomes for VOSHA inspections. VOSHA conducted 164 inspections in FY 2020. Of this total, 133 were classified as safety and 31 were classified as health. VOSHA conducted two inspections in state and local government, and 76 inspections in construction. Of a total of 426 violations issued in FY 2019, 283 were classified as serious and 143 were classified as other than serious.

VOSHA continues to find value in the requirement that employers mandatorily report injuries that require hospitalization of one or more employees, amputations, loss of an eye. We find that these incidents help to more directly focus our resources in problematic areas.

	Projected FY 2020			Actual FY2020		
	Safety	Health	Total	Safety	Health	Total
TOTAL INSPECTIONS	212	63	275	133	31	164
Private Sector	199	51	250	133	29	162
Public Sector	13	12	25	0	2	2
TOTAL CONSTRUCTION INSPECTIONS	136	25	160	71	5	76
Commercial Construction	25	5	30	5	0	5
Highway, Street, Bridge and Work Zones	15		15	2	0	2
Roofing	30		30	38	0	38
Residential Construction	25		25	5	0	5
Noise/Silica/Chrome VI/lead		20	20	0	5	5
Trenching/Excavation	30		30	6	0	6
Cranes/Powered Industrial Trucks	10		10	7	0	7
Other, Struck by, Amputation/Construction Injury/Electrical				8	0	8
TOTAL NON-CONSTRUCTION INSPECTIONS	85	30	115	62	26	88
Food Processing	1	3	4	2	1	3
Lumber and Wood Products	7	3	10	3	0	3
Amputations	22		22	16	0	16
Inspections at worksites mandatorily reporting injury/illness incidents	24	6	30	5	0	5
Combustible Dust		1	1	0	1	1
PSM		1	1	0	1	1
PIT	16		16	10	0	10
Public Sector	14	11	25	0	2	2
Granite/Concrete	1	3	4	3	7	10
Nursing Homes		2	2	0	0	0
Other				23	14	36

I. Summary of Annual Performance Plan Results

FY 2020 was the first year of VOSHA's current five-year Strategic Plan.

STRATEGIC GOAL #1: Insure Workplaces are Safe and Healthy		
Strategic Objective: Promote safe and healthy in workplaces, particularly in high-risk industries.		
GOAL	FY 2024 Strategic Plan OUTCOME/Number of Inspections Conducted	COMMENT
Compliance Inspection Activities (Construction)		
Performance Goal: Construction: By 2024, VOSHA will reduce the baseline TRC rate of 4.9 by 10%, to 4.1.	VOSHA has established a baseline TRC rate of 4.9 for the construction industry, which is based on the average of Vermont's TRC rates in construction over the past three years (2015, 2016 and 2017). By the end of FY 2024, VOSHA plans to reduce the baseline TRC rate of 4.9 by 10 %, to 4.41.	The outcome for this goal is still to be determined
Conduct 25 inspections in residential construction	VOSHA conducted 5 inspections in residential construction	Goal not met
Conduct 30 inspections in commercial construction	VOSHA conducted 5 inspections in commercial construction	VOSHA did not reach its annual goal in this area Goal not met
Conduct 30 inspections in trenching and excavation	VOSHA conducted 6 inspections in trenching and excavation	Goal not met
Conduct 15 highway, street and bridge construction and work zone inspections	VOSHA conducted 2 inspections in Highway, bridge and street construction	Goal not met
Conduct 30 roofing inspections	VOSHA conducted 38 roofing inspections	Goal not met
Conduct 20 inspections in cranes	VOSHA conducted 7 inspections in cranes	Goal not met

and powered industrial trucks	and powered industrial trucks in construction	
Conduct 20 inspections for health related exposures in construction including Noise/Silica/Chromium VI/Lead	VOSHA conducted 5 inspections related to health exposures in construction	Goal not met
Other inspections	VOSHA conducted 8 inspections in areas such as truck-by, amputation/construction injury/electrical	This was not a stated goal but important in the overall effort to reduce hazards

STRATEGIC GOAL #1: Insure Workplaces are Safe and Healthy CONTINUED		
Strategic Objective: Strategic Objective: Promote safe and healthy in workplaces, particularly in high-risk industries.		
GOAL	FY2020 OUTCOME	COMMENT
Compliance Inspection Activities (General Industry)		
Performance Goal: General Industry: By 2024 reduce the TRC rate of workplace injuries, illnesses and fatalities in general industry by 10%	VOSHA has established a baseline TRC rate of 5.1 for general industry, which is based on an average of Vermont's TRC rates in general industry over the past three years (2015, 2016 and 2017). By the end of 2024, VOSHA plans to reduce the baseline TRC rate of 5.1 by 10%, to 4.59. In support of this goal, VOSHA will focus on reducing TRC rates in the targeted industries listed below over the five-year term of the strategic plan.	The outcome of this goal is to be determined
Conduct 4 food processing inspections	VOSHA conducted 3 inspections at food processing facilities	Goal not met
Conduct 10 lumber and wood products manufacturing inspections	VOSHA conducted 3 inspections at lumber and wood products	Goal not met

	manufacturing facilities	
Conduct 22 inspections where there are amputation hazards	VOSHA conducted 16 inspections in amputation related hazards	Goal not met
Conduct 4 inspections in the granite and concrete industry	VOSHA conducted 10 inspections in the granite and concrete industry	Goal not met
Conduct 30 Inspections at worksites mandatorily reporting injury/illness incidents	VOSHA conducted 5 inspections at worksites mandatorily reporting injury/illness incidents	Goal not met
Conduct 25 Inspections of public sector worksites	VOSHA conducted 2 inspections at public sector worksites.	Goal not met
Conduct 16 inspections in workplaces where Powered Industrial Trucks (PIT's) are in use	VOSHA conducted 10 inspections in workplaces where powered industrial trucks were in use	Goal not met
Conduct 2 inspections of Nursing Homes	VOSHA did not conduct any inspections in nursing homes	Goal not met
Conduct 1 inspections in workplaces with combustible dust hazards.	VOSHA conducted one inspection with combustible dust hazards	Goal not met
Other inspections	VOSHA conducted 36 inspections in areas such as electrical hazards, warehousing, noise exposures, etc.	This was not a stated goal but important in the overall effort to reduce hazards
1. Strategic Goal #2: Foster a culture of continuous safety and health improvement in Vermont's workplaces through compliance assistance, Alliances and the Green Mountain Voluntary Protections Program.		
Strategic Objective: Maintain VOSHA's current GMVPP and Alliance programs and provide outreach and training and assistance to employers and employee groups.		
Goal	FY 2020 Outcome	Comment
Performance Goal 2.1- Maintain recognition of excellence in safety	VOSHA continued to support the current GMVPP sites, though GMVPP activities,	

<p>and health management through the GMVPP</p>	<p>especially site visits, were eliminated because of the pandemic. VOSHA continues to review annual reports from the existing sites. VOSHA expected to review an application and conduct an on-site for a new GMVPP site. That review and visit did not happen because of the pandemic</p>	
<p>Performance Goal 2.2- Maintain relationships with organizations that cover targeted, high hazard areas, through the VOSHA Alliance Program</p>	<p>VOSHA continued to service two active Alliances. These Alliances were with 1) Vermont Rural Water Association and 2) Vermont Safety and Health Council. VOSHA continues an active and rewarding relationship with these two organizations, including a number of outreaches. The Alliance with the Vermont Safety and Health Council is overdue for renewal. VOSHA intends to renew this Alliance.</p>	
<p>Performance Goal 2.3- Maintain a reduced schedule of service to participants in VOSHA's outreach and training programs</p>	<p>The governor's declaration of emergency and the opening of the SEOC resulted in an estimated 3,272 outreaches affecting 33,869 employees, employers and other partners and stakeholders.</p>	<p>The goal was met</p>

II. Progress Toward Strategic Plan Accomplishments

Year	All	Private sector	Manufacturing	Construction	State and Local Government
2015, 2016, 2017 average (baseline)	4.8	4.7	5.1	4.9	5.0
2020	4.6	4.6	5.1	4.8	4.7
2021					
2022					
2023					
2024					

III. Mandated Activities

During the first two quarters of FY 2020, VOSHA met most of its goals. The only compliance activities for the first four months of the pandemic involved a fatality, medically reportable incidents and complaints/referrals. As construction started to resume, VOSHA was able to conduct inspections based on emphasis programs. At this time, planned inspections of general industry and public sector worksites remain on hold.

While the number of inspections decreased, pandemic-related complaint investigations (handled primarily through letters of inquiry) dramatically rose with more than 250 complaints processed by the end of FY 2020.

IV. Special Measures of Effectiveness/Special Accomplishments

The one bright spot in FY 2020 was VOSHA's outreach. With uncertainty surrounding the pandemic, VOSHA worked with federal and state partners to steadily provide the latest information and advice in this ever-evolving emergency event. The actions of VOSHA and other agencies have continually guided workplaces to function with the least disruption possible.

V. Adjustments or Other Issues

In FY 2020, VOSHA continued to work and improve in two areas that were outlined in the 2019 SOAR. These areas pertain to penalty retention and abatement verification.

- 1) Penalty Retention: VOSHA has shown marked improvement in penalty retention since taking on this issue of improvement. VOSHA has been meeting the further review level in the State Activity Mandated Measures (SAMM) Report for penalty retention (SAMM 12).
- 2) Abatement Verification: VOSHA has improved in this area but more work needs to be done. VOSHA is acutely aware of this and continues to try to get solutions to outstanding cases. For instance:
 - a. VOSHA is trying to reconcile abatement timeframes that seem to have already lapsed when the CSHO's send their cases to the central office for the manager to review.
 - b. In addition there has been some difficulty in getting employers whose business has been interrupted by the COVID-19 pandemic to respond to abatement inquiries

VI. State Internal Evaluation Program (SIEP) Report:

VOSHA is still evaluating issues identified in the FY 2019 FAME Report and plans to develop a new SIEP in FY 2021. Also, due to the pandemic, all of our metrics were so skewed, as to make conducting the SEIP ineffective.